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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,866	06/19/2001	Brian D. Franz	03DV-9088	7242

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EXAMINER

LE, DANG D

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 01/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,866

Applicant(s)

FRANZ ET AL.

Examiner

Dang D Le

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 9/24/01 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Copies of other prior art, number OA is not provided. In addition, the date of publication is not included. Therefore, the information referred to therein has not been considered.

Claim Objections

2. Claim 11 is objected to because of the following informalities: should "the same radial direction" be changed to – the same circumferential direction --? Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 14-16 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniels (U. S. Patent No. 5,357,161).

Regarding claim 1, Daniels shows an endshield (15) for an electric motor (Figure 1), said end shield (15) comprising:

- A body (27, Figure 1); and
- A capacitor cover (49) extending radially outward from said body (Figure 2).

Regarding claim 2, it is noted that Daniels also shows said body (27) further comprising at least one mounting ear (corners of wall 21) extending from said body, said at least one mounting ear having a slot (23).

Regarding claim 3, it is noted that Daniels also shows said capacitor cover (49', Figure 10) comprising a partially spherical wall (131) extending from said body.

Regarding claim 4, it is noted that Daniels also shows said capacitor cover (49') further comprising a wall (top side in Figure 10) extending from said body and a top (131) extending from said body, said top connected to said wall.

Regarding claim 5, it is noted that Daniels also shows said wall comprising a first wall portion (top side, Figure 10) extending from said body, a second wall portion (bottom side, Figure 10) extending from said body and a third wall portion (95, Figure 1), said third wall portion connecting said first wall portion and said second wall portion.

Regarding claim 6, it is noted that Daniels also shows said at least one mounting ear (corners) further comprising a recess (teeth) sized to receive a fastener (screw, Figure 1).

Regarding claim 14, Daniels shows an electric motor assembly (Figure 1) comprising:

- A motor housing (47);

- A stator (5) mounted in said housing and comprising a bore therethrough, said stator having at least one main winding and at least one auxiliary winding (column 2, lines 19-25);
- A rotor core rotatably mounted in said housing and extending through said stator bore (column 2, lines 19-25);
- A capacitor (11) in series with said auxiliary winding; and
- An endshield (15) connected to said housing, said endshield comprising a body (27) and at least one mounting ear (corners of wall 21) extending from said body, said at least one mounting ear having a slot (hole 23).

Regarding claim 15, it is noted that Daniels also shows said endshield (15) further comprising a capacitor cover (49') extending from said body (27).

Regarding claim 16, it is noted that Daniels also shows said capacitor cover (49') comprising a top extending from said body, a first wall portion (top side) extending from said body, a second wall portion (bottom side) extending from said body and a third wall portion (95), said third wall portion connecting said first wall portion and said second wall portion.

Regarding claim 18, this claim is a method claim which is inherent given the apparatus of Daniels.

Regarding claim 19, this claim is similar to claim 16.

Regarding claim 20, the capacitor of Daniels inherently includes a plurality of wires and the capacitor cover (49) covers the capacitor wires because the cover (49) covers the capacitor entirely.

Regarding claim 21, it is noted that Daniels also shows that wherein mounting the endshield to the motor housing further comprises mounting the endshield to the motor housing such that the terminals and wires are covered and within UL requirements (column 4, line 59).

5. Claims 7 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan et al. (U. S. Patent No. 5,834,869).

Regarding claim 7, Morgan et al. show an endshield (60) for an electric motor, said end shield comprising:

- A body (70); and
- At least one mounting ear (Figure 5) extending from said body, said at least one mounting ear having a slot.

Regarding claim 10, it is noted that Morgan et al. also show said endshield comprising a plurality of mounting ears (two) each having a slot.

Regarding claim 11, it is noted that Morgan et al. also show said plurality of slots pointing in generally the same radial direction.

Regarding claim 12, it is noted that Morgan et al. also show said at least one mounting ear further comprising a recess sized to receive a fastener (Figure 1 and 5).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Ochi et al. (U. S. Patent No. 4,945,272).

Regarding claim 8, Morgan et al. show all of the limitations of the claimed invention except for said at least one mounting ear further comprising an opening extending therethrough and a first side, said slot extending through said mounting ear from said opening through said first side.

Ochi et al. show said at least one mounting ear (21b, Figure 2) further comprising an opening extending therethrough and a first side (left side), said slot extending through said mounting ear from said opening through said first side for the purpose of making mounting easily.

Since Morgan et al. and Ochi et al. are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include in the at least one mounting ear with an opening extending therethrough and a first side, and to extend the slot through said mounting ear from said opening through said first side as taught by Ochi et al. for the purpose discussed above.

Regarding claim 9, it is noted that Ochi et al. also show said at least one mounting ear generally c-shaped.

Regarding claim 13, this claim is a combination of claims 7 and 8. Therefore, claim 13 is rejected as discussed above.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels in view of Kuribayashi et al. (U. S. Patent No. 5,742,108).

Regarding claim 17, it is noted that Daniels shows all of the limitations of the claimed invention including said at least one mounting ear (corners of wall 21) further comprising an opening (mouth of hole 23) extending therethrough and a first side (side contacting 63), said slot (hole 23) extending into said mounting ear from said opening through said first side. Daniels does not show said slot (hole 23) extending through said mounting ear because Daniels uses screws with tapped slots (holes) instead of nuts and bolts.

Kuribayashi et al. show the slot (Figures 5 and 8) extending through the mounting ear (21) for the purpose of mounting without tapping the slot.

Since Daniels and Kuribayashi et al. are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to extend the slot through the mounting ear as taught by Kuribayashi et al. for the purpose discussed above.

Information on How to Contact USPTO

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL
December 28, 2001

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Samy S. G.